

Message

From: Hely, Carolyn (NFK) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=CHELY]
Sent: 1/19/2012 3:33:47 PM
To: Khan, Annie (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Annie.Khan]
Subject: RE: Comm. v. [REDACTED] Trial January 26, 2012

haha thanks Annie! I'll be in touch next week.

Carolyn L. Hely
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(781) 830-4801 (fax)

From: Khan, Annie (DPH)
Sent: Thursday, January 19, 2012 9:06 AM
To: Hely, Carolyn (NFK)
Subject: RE: Comm. v. [REDACTED] Trial January 26, 2012

WOW!!!, My sincere apologies for the email below. (I had nothing to do with it. Haha)

You know how it works . . . We will coordinate, as needed.

Thank you for being patient and tolerable with us.

Annie

Sent from iPhone

From: Lawler, Michael (DPH)
Sent: Wednesday, January 18, 2012 1:29 PM
To: Hely, Carolyn (NFK); Khan, Annie (DPH)
Subject: Comm. v. [REDACTED] Trial January 26, 2012

ADA Busby,

As you are probably aware, we chemists often find ourselves double summonsed to different jurisdictions for the same day. Several contingencies determine the reality of our appearance in court at a given opening to trials, whether there is a last minute plea, can a jury be impaneled the first day of note, etc. It would be chaos if we were to consider all the contingencies to every double booked appearance and try to juggle the best scenario for all parties on a given day.

We must presume that 75 to 90% of our summons to an appearance on a particular day will not happen and each jurisdiction must understand that we chemists are "on call" and will go where we must for any given day.

We chemists are forced sometimes to triage our appearances with three criteria:

- 1) commit more completely to the office which summonsed us first
- 2) offer our appearance first to the office which has a higher stakes case
- 3) juggle our appearances in the order determined by competing prosecutors working with each other to the convenience of their respective courts

I was previously summonsed to Wareham on the 26th and have another summons to Suffolk County the 27th. These cases are all about the same magnitude offense. I will not pick a case by degree but will simply go with the statistic that 2 out of 3 of you will not need me and go on call to the case with the most immediate need. I believe Annie is in the same position.

Best wishes,
Mike Lawler
State Lab